

REMARKS/ARGUMENTS

Initially, Applicant would like to thank the Examiner for considering all of the materials cited in the Information Disclosure Statements filed in the present patent application on September 2, 2005 and December 15, 2008 (copies of which were resubmitted on September 3, 2009 for the convenience of the Examiner), and on October 29, 2009, by the return of the signed copies of the Forms PTO-1449 attached to the Final Official Action. Applicant would also like to thank the Examiner for indicating that the drawings are acceptable.

In the Final Official Action, the previously made restriction requirement was made final. Claim 19 was rejected under 35 U.S.C. § 112, fourth paragraph, as being in improper dependent form. Claims 1-19 and 21-25 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 11-12, 15-19, 21, and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK et al. (U.S. Patent Application Publication No. 2005/0027995 A1) in view of EDELSON et al. (U.S. Patent No. 5,737,539). Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK in view of EDELSON and CROWCROFT (ACM Article). Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK in view of EDELSON and RODRIGUEZ (IEEE Article).

Upon entry of the present amendment, claims 11, 13, 15-19, 22, and 24-25 have been amended. Claims 20 and 23 have been cancelled. Claims 1-10 were previously cancelled. Thus, claims 11-19, 21-22, and 24-25 are currently pending for consideration by the Examiner.

In the Final Official Action, claim 19 was rejected under 35 U.S.C. § 112, fourth paragraph, as being in improper dependent form for failing to further limit the subject matter of independent claim 1, upon which claim 19 depends. More specifically, the Examiner asserts that

claim 19 recites a manufacture that does not further limit the server recited in independent claim 1. In the present amendment, Applicant has rewritten claim 19 in independent form, as recommended by the Examiner. Accordingly, Applicant respectfully requests that the rejection of claim 19 under 35 U.S.C. § 112, fourth paragraph, be withdrawn.

Claims 1-19 and 21-25 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. With regard to independent server claim 11, the Examiner asserts that the features recited therein are sufficiently broad to include software *per se*. The Examiner further asserts that as a result, independent claim 1, and the corresponding dependent claims, are directed to non-statutory subject matter. In the present amendment, Applicant has amended independent claim 11 to recite specific, meaningful physical features of Applicant's server that further clarifies that Applicant's independent claim 11 is directed to statutory subject matter, and is not merely an abstract idea. These meaningful physical features at least include specific references to a receiver, a transmitter, a controller, and a network. Accordingly, Applicant respectfully requests that the rejection of independent claim 11, and related dependent claims 12-17, 21-22, and 24-25 under 35 U.S.C. § 101 be withdrawn.

With regard to independent method claim 18, the Final Official Action asserts that the features recited therein are sufficiently broad to be implemented without a "machine". The Examiner further asserts that as a result, independent claim 18 is directed to non-statutory subject matter. In the present amendment, Applicant has amended independent claim 18 to recite specific physical "machine" components that are used to implement the method. These physical components at least include specific references to a receiver, a transmitter, a controller, and a network. Accordingly, Applicant respectfully requests that the rejection of independent claim 18 under 35 U.S.C. § 101 be withdrawn.

With regard to independent computer readable medium claim 19, the Final Official Action asserts that the claim is sufficiently broad to include transitory propagating signals *per se*, which are generally regarded as non-statutory subject matter. In the present amendment, Applicant has amended independent claim 19 to read “(a) non-transitory computer readable medium...”, which is consistent with current USPTO policy. Accordingly, Applicant respectfully requests that the rejection of independent claim 19 under 35 U.S.C. § 101 be withdrawn.

In the Final Official Action, claims 11-12, 15-19, 21, and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK in view of EDELSON. Applicant respectfully traverses the rejection and submits that the specific combination of features recited in each of amended independent claims 11, 18, and 19 would not have been obvious to one of ordinary skill in the art at the time of the invention in view of MENSCHIK and EDELSON for several reasons.

For instance, Applicant submits that each of amended independent claims 11, 18, and 19 recite that after a relay server establishes an SIP session between a client terminal and an application server through the relay server, the application server delivers service directly to the client terminal, between the client terminal and the application server through another application session. More specifically, amended independent claims 11, 18, and 19 recite such distinguishing features as: (1) that a relay server establishes an SIP session between a client terminal and an application server through the relay server, and that the SIP session continues while service is delivered from the application server to the client terminal receives; (2) that the client terminal and the application server directly establish an application session, and service is delivered from the application server directly to the client terminal; and (3) that, in order to

establish the SIP session between the client terminal and the application server through the relay server, the relay server performs predetermined operations, including receiving an SIP session establishment request, authenticating the client terminal, searching the application server, relaying the SIP session establishment request, relaying an SIP response from the application server, and relaying an SIP confirmation request from the client.

As a result of the specific configuration and operation of the relay server discussed above, Applicant's claimed relay server provides a distinct advantage over previous systems. As recited in Applicant's specification, "According to this configuration, in a session establishment stage, the relay server carries out user authentication, and therefore the application server need not carry out user authentication and it is possible to easily construct the application server. Furthermore, the relay server can improve the utilization efficiency of the user authentication function owned by the relay server itself and reduce operation costs by collecting a fee from the application server, etc." (See Applicant's specification page 5, lines 10-18, which also corresponds to paragraph [0010] in Applicant's U.S. Patent Application Publication No. 2006/0095501 A1.)

Applicant submits that neither MENSCHIK, EDELSON, nor any proper combination thereof discloses or renders obvious the specific combination of features recited in each of independent claims 11, 18, and 19, including the features discussed above. With regard to independent claims 11, 18, and 19, the Final Official Action asserts that MENSCHIK discloses a "requester," "authenticator," "searcher," "service inquiry relay," "response relay" and "confirmation relay". (See Final Official Action, pages 9-10, items (a)-(f).)

The Final Official Action acknowledges that MENSCHIK fails to disclose contacting the source computer directly to inquire if the source computer can provide the requested data. (See

Final Official Action, page 9.) However, the Final Official Action asserts that EDELSON teaches that if patients are not listed in an indexed directory of a central host computer, searching for them at all remote computers and determining whether or not there is a remote computer having required data, citing EDELSON, column 8, lines 50-54. The Final Official Action then concludes that independent claims 11, 18, and 19 are obvious.

Applicant respectfully submits the specific combination of features recited in each of amended independent claims 11, 18, and 19 are distinctly different from MENSCHIK and EDELSON. The amended independent claims inquire of a single specified “searched” application server (that is, relays an SIP session establishment request to the searched application server), whereas EDELSON searches for patients that are not listed in a directory service, at “all” remote computers and does not restrict the inquiry targets. Additionally, MENSCHIK does not disclose the claimed configuration of “receiving an SIP response to the inquiry from the application server” in order “to establish the SIP session between the client terminal and the application server”.

Applicant further submits that neither EDELSON nor MENSCHIK disclose that “the SIP session continues while the service is delivered from the application server to the client terminal via the application session,” as explicitly recited in each of amended independent claims 11, 18, and 19.

Thus, for at least the reasons discussed above, Applicant respectfully submits that amended independent claims 11, 18, and 19 would not have been obvious to one of ordinary skill in the art at the time of the invention, in view of EDELSON and MENSCHIK. Applicant also submits that claims 12, 15-17, 21, and 24-25, which depend on amended independent claim 1, are also patentable for at least the reasons discussed above regarding amended independent claim

11, and further for the additional features recited therein. Accordingly, Applicant respectfully requests that the rejection of claims 11-12, 15-19, 21, and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK and EDELSON be withdrawn.

Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK in view of EDELSON and CROWCROFT. With regard to claims 13-14, which depend on amended independent claim 1, Applicant submits that CROWCROFT does not remedy the specific deficiencies of MENSCHIK and EDELSON discussed above regarding claim 1. Thus, Applicant submits that claims 13-14, are patentable at least for the reasons discussed above regarding claim 11, and further for the additional features recited therein. Accordingly, Applicant respectfully requests that the rejection of claims 13-14 under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK, EDELSON, and CROWCROFT be withdrawn.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK in view of EDELSON and RODRIGUEZ. With regard to claim 22, which depends on amended independent claim 1, Applicant submits that RODRIGUEZ does not remedy the specific deficiencies of MENSCHIK and EDELSON discussed above regarding claim 1. Thus, Applicant submits that claim 22 is patentable at least for the reasons discussed above regarding claim 11, and further for the additional features recited therein. Accordingly, Applicant respectfully requests that the rejection of claim 22 under 35 U.S.C. § 103(a) as being unpatentable over MENSCHIK, EDELSON, and CROWCROFT be withdrawn.

In conclusion, Applicant believes that pending claims 11-19, 21-22, and 24-25 are now in condition for allowance. Accordingly, Applicant respectfully requests that the rejections of pending claims 11-19, 21-22, and 24-25 under 35 U.S.C. § 103(a) be withdrawn, and that an

indication of the allowability of claims 11-19, 21-22, and 24-25 be provided in the next Official communication.

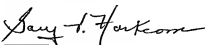
SUMMARY

From the amendments, arguments, and remarks provided above, Applicant submits that all of the pending claims in the present patent application are patentable over the references cited by the Examiner, either alone or in combination. Accordingly, reconsideration of the outstanding Final Official Action is respectfully requested and an indication of the allowance of claims 11-19, 21-22, and 24-25 is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made by this amendment and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Naoyuki MOCHIDA


for Bruce H. Bernstein
Reg. No. 29,027

August 26, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Gary V. Harkcom
Reg. No. 62,956